Statute to perpetrate a fraud. In this case the question does not lie between the grantor and grantee, but between the assignee and the land owner. Moreover, the Statute of Frauds does not apply in this country and the assignment of a lease is not an agreement which would be required by the Contract Enactment to be in writing. I have no doubt that the law is as set out by Byles J. in the quotation above, and that where the under-lease or under-leases cover the whole term they must, when they can, as here, have their full effect and take effect as an assignment. This point was not argued. It seems to me clearly to arise. On this view, there would, of course, be but one rent or group of rents issuing out of the land, and they are payable by the assignees of the lease to the landlord. Between him and them is a privity of estate. Had the tenants in occupation raised the plea that they were in occupation but the rent was payable on the premises and that they were ready and willing at all times to pay the rent when due on demand, the case might have been otherwise. The plea, however, is one of payment to the first defendant. Payment to that defendant is no answer to a claim by the landlord and on the pleadings I have no doubt that judgment should be entered for the appellant with costs.

Appeal Allowed.

IN RE HAROLD LEONARD WRIGGLESWORTH.

[K.L. — Petition for Admission (Pretheroe, Ag. C.J.) May 14, 1948]

Advocates and Solicitors Ordinance, 1947, Sections 3(3) and 5(5) — Application to shorten period during which Petitioner is required to attend and receive instruction in law.

In this case the Petitioner applied that the period during which he is required by Sub-Section (3) of Section 5 of the Advocates and Solicitors Ordinance to attend and receive instruction in law in the office of a local practitioner of not less than seven years' standing, may be shortened. The Petitioner became a Solicitor's articled clerk in England on the 22nd June 1938. He continued as such till the 15th March 1940, when he joined His Majesty's Armed Forces. During his period of military service he appeared either as prosecuting officer or defending officer at numerous court martial proceedings, and on two occasions he acted as Judge Advocate. From July to September 1945, he received instruction in the laws of Malaya at a Civil Affairs Staff College. From the 10th December 1945 to the 31st March 1946 the Petitioner presided over the District Court at Kuala Lumpur. From the 1st April 1946 to 20th July 1946 he acted as District Judge for the State of Selangor and the District of Tanjong Malim. He was called to the English Bar on the 18th June 1947 and from the 30th September 1947 he attended and received instruction in the office of Messrs. Shearn, Delamore & Company.

Held, (1) that the service as an articled clerk in England prior to the Petitioner's call to the Bar in England afforded a special ground which could be advanced under Section 5(5) of the Advocates and Solicitors Ordinance 1947, as such service afforded valuable experience for an intending local practitioner; (2) that at least two special grounds must be established under Section 5(5) of the Advocates and Solicitors Ordinance 1947 before the Court could exercise its discretion and as none of the other grounds submitted on behalf of the Petitioner in this case come within the special grounds envisaged by the section, the application for shortening of the period could not be granted.

Cases referred to :—

(1) *In re Tangamani* (1942) M.L.J. 5.

(2) *In re Ahmad bin Mohamed Ibrahim* (1946) M.L.J. lxi.

(3) *In re Kim Chwee Chia* (1947) M.L.J. 108.

PETITION FOR ADMISSION.

R. V. Rintoul for the Applicant.

R. Ramani for the Bar Council.

W. G. Hastings for the Selangor and Negri Sembilan Bar Committee.

Pretheroe, Ag. C. J. : — In this motion Harold Leonard Wrigglesworth prays the Court to exercise the discretionary powers conferred on it by sub-section (5) of section 5 of the Advocates and Solicitors Ordinance, 1947, (hereinafter referred to as "the Ordinance") to shorten the period during which he is required by sub-section (3) of section 5 of the Ordinance to attend and receive instruction in law in the office of a local practitioner of not less than seven years standing. As the provisions of paragraph (c) of sub-section (3) of section 3 are applicable to Mr. Wrigglesworth's case, the period is "not less than twelve months".

The relevant facts applicable to the motion are that Mr. Wrigglesworth became a Solicitor's articled clerk in England on the 22nd June, 1938. He continued as such until the 15th March, 1940, when he joined His Majesty's Armed Forces. During his period of military service he appeared either as prosecuting officer or defending officer at numerous court martial proceedings, and on two occasions he acted as Judge Advocate. From July to September, 1945, he received instruction in the laws of Malaya at a Civil Affairs Staff College. From the 10th December, 1945, to the 31st March, 1946, Mr. Wrigglesworth presided over the first District Court at Kuala Lumpur. From the 1st April, 1946, to the 20th July of the same year he acted as District Court Judge for the State of Selangor and the District of Tanjong Malim. He was called to the English Bar on the 18th June, 1947, and from the 30th September, 1947, he has been attending, and receiving instruction

in law in, the office of Messrs. Shearn, Delamore and Company.

Now sub-section (5) of section 5 of the Ordinance provides that the Court can only exercise the powers conferred by that section in cases where special grounds exist. On behalf of Mr. Wrigglesworth the following special grounds were submitted viz :—

(a) he had been a Solicitor's articled clerk in England for a period of approximately one year and eight months;

(b) he had gained knowledge of local laws while acting as a District Court Judge, for a period of nearly four months; and

(c) he gained local legal experience while presiding over a District Court for nearly four months under the British Military Administration.

Mr. Ramani, who opposed the motion on behalf of the Bar Council, submitted that none of these alleged special grounds were relevant, as the special grounds required by the Ordinance must relate to periods after petitioner's call to the Bar. I do not agree with this submission. In my opinion the word "after" in sub-section (5) of section 5 of the Ordinance relates only to the one special ground specified in that sub-section viz: "the active practice of the profession". In adopting this interpretation I am following the precedents provided by *Tangamani's petition*[1] and *Ahmad bin Mohamed Ibrahim's petition*[2] which was not reported apparently but which was editorially considered at page lxi of volume XII of the Malayan Law Journal.

Here I may interpolate the remark that if Mr. Wrigglesworth had read as a student in a Barrister's Chambers in England for the same period as he served his articles in a Solicitor's office he would, by virtue of the provisions of section 5 (3) (a) (i) of the Ordinance, have only been required to attend and study in the office of a local practitioner for six months. The questions arise therefore why is this distinction made between being articled to a Solicitor and reading in a Barrister's Chambers, and am I entitled to consider this as a special ground? As local practitioners are both Advocates and Solicitors the only reason for the distinction I can see is that that number of persons who begin as Solicitor's articled clerks in England, are next called to the English Bar, and finally arrive to practise in the Federation of Malaya must be so small that the draftsman did not consider it necessary to include any special provision dealing with the matter.

As a considerable part of local practitioners' work is concerned with the services rendered by a Solicitor in England, it appears to me that service as an articled clerk in England would afford most valuable experience for an intending local practitioner. Therefore, although no specific provision is made in sub-section (3) of section 5 of the Ordinance relating to such service, I should be prepared to accept it as one of the special grounds which may be advanced under sub-section (5) of the same section. But *Kim Chwee Chia's case*[3] has decided that at least two special grounds must be established under the section before the Court may exercise its discretion. So I must now proceed to consider the other grounds submitted in support of this motion.

The experience gained as a President of a District Court and as a District Court Judge is both specialised and limited, and affords no experience at all in several aspects of an Advocate and Solicitor's daily tasks Mr. Hastings, who opposed the motion on behalf of the Selangor and Negri Sembilan Bar Committee, pointed out, that officiating in a judicial capacity cannot be regarded as affording e.g. the same experience as the active practice of the profession with is the one special ground specified by the Ordinance itself. I agree with this submission, and am of opinion that, although valuable experience may be gained on the Bench in the District Court, it is no substitute for the first hand knowledge which is derived from attending, and studying in, a practitioner's office. It necessarily follows that I hold that the second and third grounds submitted on behalf of Mr. Wrigglesworth are not "special grounds" as envisaged by the Ordinance. In view of Mr. Wrigglesworth's service with the Armed Forces I regret to have to arrive at this decision. There will be no order on the motion.

No Order.

PUBLIC PROSECUTOR v. WONG PENG WAH AND 2 OTHERS.

[Orig. Crim. Juris. (Laville, J.) May 10, 1948]
[J.B. — Crim. Case No. 8 of 1948]

Firearms and Ammunition (Unlawful Possession) Ordinance — Ordinance No. 28 of 1946, section 3 — Definition of unlawful possession — Proof of criminal possession of arms and ammunition — Conscious and exclusive possession — Explosives Enactment Johore Laws No. 56 — Arms Enactment Johore Laws No. 64.

In this case the three accused were charged with unlawful possession of arms and ammunition, to wit, two Lewis guns, 272 rounds of ammunition Sten, and 186 rounds of .303 ammunition. The evidence was that the arms and ammunition were found in a car driven by the second accused and in the back of which were sitting the first and third accused. The question was whether the accused or any one of them was in possession of the arms and ammunition.